

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

VS.

JOSEPH SUGGS

Defendant.

Case No. 14-CR-30142-MJR

DEFENDANT'S MOTION IN LIMINE

COMES NOW defendant, Joseph Suggs, by and through counsel, and moves in limine to exclude certain evidence from being presented by the government. In support thereof, defendant states as follows:

I

1. Pursuant to it's investigation and the execution of multiple search warrants, the government has obtained photographs and other images that are not of M.W., the alleged victim in this case. Some of this evidence was obtained from either camera or computers. Some was already in printed form, such as male erotica.

2. Any introduction of, or reference to, this evidence would be highly prejudicial to defendant and without probative value including proof of age of the subject

3. The government has represented at the final pretrial conference that it does not intend to introduce any photographs that are not of M.W.

4. Any introduction of, or reference to, photographs not of M.W. or of any other male erotica, by means of testimony, argument or statement, serves only to inflame and

emote the jury. It's value is not probative, but prejudicial. The government should be limited to what it has indicted, the production of child pornography involving M.W.

II

5. As of this date the government has filed no notice of intent to introduce evidence pursuant to Federal Rule of Evidence 404(b) by means of prior convictions or prior bad acts.

6. Discovery provided by the government to defendant does not indicate any 404(b) evidence.

7. Defendant objects to any untimely and unnoticed attempt now or at trial to introduce such evidence, or otherwise make or solicit by testimony any reference thereto, and requests the government to confirm it's intent not to introduce or make reference to any 404(b) evidence.

WHEREFORE, Defendant moves in limine to exclude any evidence, or reference thereto, of photographs, depictions or male erotica of which M.W. is not the subject and moves in limine to exclude any 404(b) evidence should it exist.

MICHAEL S. GHIDINA, P.C.

By: 

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ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on August 7, 2015, the foregoing was filed with notice to Laura Reppert, AUSA and Angela Scott, AUSA, Fairview Heights, Illinois.


Michael S. Ghidina

Suggs/A09